

**WAUKESHA COUNTY BOARD OF ADJUSTMENT
SUMMARY OF MEETING**

The following is a Summary of the Board of Adjustment Meeting held on Wednesday, October 22, 2008, at 6:30 p.m. in Room AC 255/259 of the Waukesha County Administration Center, 515 W. Moreland Blvd., Waukesha County, Wisconsin, 53188.

BOARD MEMBERS PRESENT: James Ward, Chairman
Robert Bartholomew
Ray Dwyer
Tom Day

BOARD MEMBERS ABSENT: Walter Schmidt

SECRETARY TO THE BOARD: Peggy Tilley

OTHERS PRESENT: Stephen & Kathy Bronsted, BA08:064, owners
John & Nancy Kreil, BA08:065, owners
Kurt Werderitch, BA08:065, neighbor

The following is a record of the motions and decisions made by the Board of Adjustment. Detailed minutes of these proceedings are not produced, however, a taped record of the meeting is kept on file in the office of the Waukesha County Department of Parks and Land Use and a taped copy is available, at cost, upon request.

SUMMARIES OF PREVIOUS MEETINGS:

Mr. Dwyer *I make a motion to approve the Summary of the Meeting of October 22, 2008.*

The motion was seconded by Mr. Day and carried unanimously.

NEW BUSINESS:

BA08:064 STEPHEN BRONSTED:

Mr. Day *I make a motion to **approve** the request, in accordance with the Staff's recommendation, as stated in the Staff Report and for the reasons stated in the Staff Report with the following modification to Condition No. 2:*

Condition No. 2 shall read as follows: "The existing shed must be removed from the property within 6 months of the completion of the construction of the proposed garage."

The motion was seconded by Mr. Bartholomew and carried unanimously.

The Planning and Zoning Division staff's recommendation was for **approval** of the request for variances from the offset, floor area ratio, and open space requirements of the Waukesha County Zoning Code as well as **approval** of the request for a special exception from the accessory building floor area ratio requirements of the Code to allow the construction of a new detached garage on the subject property subject to the following conditions:

1. The proposed detached garage shall not exceed 480 sq. ft. as proposed.
2. The existing shed must be removed from the property prior to the issuance of a Zoning Permit for the proposed garage.
3. The proposed detached garage may be located as close as 3 ft. to the west lot line, as measured to the outer edges of the walls, provided the overhangs do not exceed two (2) ft. in width and provided that the new garage contain a firewall on the west side of the proposed garage sufficient to meet the one-hour fire rating contained in the building code. Furthermore, a deed restriction shall be recorded prior to issuance of the Zoning Permit prohibiting the construction of fences between the proposed detached garage and the existing detached garage on the adjacent property and permitting maintenance of said buildings from adjacent properties. Prior to the issuance of a Zoning Permit, the Declaration of Restrictions must be signed by both property owners, notarized, and recorded in the Waukesha County Register of Deed's office, and a copy furnished to the Planning and Zoning Division staff.
4. If the requirements noted in Condition No. 2 cannot be complied with, the proposed detached garage must be located a minimum of 10 ft. from the west lot line.
5. If the location of the proposed detached garage is modified from that location previously presented to the Waukesha County Environmental Health Division, a revised Preliminary Site Evaluation of the proposed garage and the septic system must be conducted by the Environmental Health Division. Prior to the issuance of a Zoning Permit, evidence must be submitted to the Planning and Zoning Division staff that the Environmental Health Division has no objection to the proposed garage and that it meets all required minimum separation distances and would not have an adverse effect on the operation of the private waste disposal system.
6. The proposed garage must be located a minimum of 10 ft. from the residence.
7. The proposed garage must contain only one story and it must conform with the height requirement of the Ordinance, i.e. the height of the garage, as measured from the lowest exposed point to the peak of the roof, must not exceed 18 ft.
8. The proposed garage may contain an upper-level storage area only if the garage conforms with the height requirement noted above and only if that upper level is not accessible via a permanent staircase. The upper level of the garage may be accessed via pull-down stairs.

9. Prior to the issuance of a Zoning Permit, a complete set of building plans, in conformance with the above conditions, must be submitted to the Planning and Zoning Division staff for review and approval.
10. Prior to the issuance of a Zoning Permit, an updated Plat of Survey showing all existing structures and the staked-out location of the proposed garage, in conformance with the above conditions, must be prepared by a registered land surveyor and submitted to the Planning and Zoning Division staff for review and approval.
11. If any changes to the existing grade are proposed, a detailed Grading and Drainage Plan, showing existing and proposed grades and any proposed retaining walls, must be prepared by a registered landscape architect, surveyor, or engineer and submitted to the Planning and Zoning Division staff for review and approval, prior to the issuance of a Zoning Permit. This is to ensure the construction of the proposed garage does not result in adverse drainage onto adjacent properties. The intent is that the property be graded according to the approved plan, and also to provide that the drainage remain on the property, and not to the neighboring properties or the road. The following information must also be submitted along with the Grading and Drainage Plan: a timetable for completion, the source and type of fill, a complete Vegetative Plan including seeding mixtures and amount of topsoil and mulch, an Erosion and Sediment Control Plan, and the impact of any grading on stormwater and drainage. This grading plan may be combined with the Plat of Survey required in Condition No. 10.

The reasons for the recommendation, as stated in the Staff Report, are as follows:

The approval of this request, as conditioned, will allow the construction of a detached garage on the subject property. The property does not currently contain a garage and the proposed 480 sq. ft. garage is a reasonably sized garage for the lot. As conditioned, the property will only have one accessory building that will be located at the end of the existing driveway and in close proximity to an detached garage on the adjacent property. Without utilizing the clustering provisions of the ordinance or the granting of an offset variance, the garage would have to be located behind the residence in the middle of the backyard. The residence itself exceeds the floor area ratio requirements of the Zoning Code, and the property does not contain enough acreage to meet the open space requirements of the Code even if it were vacant. Therefore, no accessory building for storage could be constructed on the property without variances from the floor area ratio and open space requirements of the Ordinance. Furthermore, the proposed garage will comply with the road setback provisions of the Ordinance. Therefore, the approval of this request, as conditioned, will not be contrary to the public interest and will be within the purpose and intent of the Zoning Code.

BA08:065 JOHN AND NANCY KREIL:

Mr. Bartholomew

*I make a motion to **approve** the request, in accordance with the Staff's recommendation, as stated in the Staff Report and for the reasons stated in the Staff Report.*

The motion was seconded by Mr. Dwyer and carried unanimously.

The Planning and Zoning Division staff's recommendation was for approval of the request for a variance from the open space requirements of the Waukesha County Shoreland and Floodland Protection Ordinance, as well as approval of a special exception from the accessory building floor area ratio requirements of the Ordinance to allow the construction of a new detached garage on the property, subject to the following conditions:

1. The proposed garage shall not exceed 320 sq. ft. in size as proposed.
2. The three existing storage sheds/containers shall be relocated to the rear north side of the proposed garage upon completion of the garage.
3. Prior to the issuance of a Zoning Permit, an updated Plat of Survey showing all existing structures and the staked-out location of the proposed garage, in conformance with the above condition, must be prepared by a registered land surveyor and submitted to the Planning and Zoning Division staff for review and approval.
4. The garage must contain only one story and it must conform with the height requirement of the Ordinance, i.e. the height of the garage, as measured from the lowest exposed point to the peak of the roof, must not exceed 18 ft.
5. The proposed garage may contain an upper-level storage area only if the garage conforms with the height requirement noted above and only if that upper level is not accessible via a permanent staircase. The upper level of the garage may be accessed via pull-down stairs.
6. Prior to the issuance of a Zoning Permit, a complete set of building plans, in conformance with the above conditions, must be submitted to the Planning and Zoning Division staff for review and approval.
7. If any changes to the existing grade are proposed, a detailed Grading and Drainage Plan, showing existing and proposed grades and any proposed retaining walls, must be prepared by a registered landscape architect, surveyor, or engineer and submitted to the Planning and Zoning Division staff for review and approval, prior to the issuance of a Zoning Permit. This is to ensure the construction of the proposed garage does not result in adverse drainage onto adjacent properties. The intent is that the property be graded according to the approved plan, and also to provide that the drainage remain on the property and not to the neighboring properties or the road. The following information must also be submitted along with the Grading and Drainage Plan: a timetable for completion, the source and type of fill, a complete Vegetative Plan including seeding mixtures and amount of topsoil and mulch, an Erosion and Sediment Control Plan, and the impact of any grading on stormwater and drainage. This grading plan may be combined with the Plat of Survey required in Condition No. 3.

The reasons for the recommendation, as stated in the Staff Report, are as follows:

The approval of this request, as conditioned, will allow the construction of a detached garage on the subject property. The property does not currently contain a garage and the proposed 320 sq. ft. garage is a reasonably sized garage for the lot. As conditioned, the property will have one accessory building that will be located in the rear of the property and will comply with all of the locational requirements of the Ordinance. The property does not contain enough acreage to meet the open space requirements of the Ordinance even if it were vacant. Therefore, no accessory building for storage could be constructed on the property without a variance from the open space requirements of the Ordinance. The approval of this request, as conditioned, will not be contrary to the public interest and will be within the purpose and intent of the Ordinance.

OTHER ITEMS REQUIRING BOARD ACTION:

None.

ADJOURNMENT:

Mr. Dwyer *I make a motion to adjourn this meeting at 6:55 p.m.*

The motion was seconded by Mr. Bartholomew and carried unanimously.

Respectfully submitted,

Peggy S. Tilley
Secretary, Board of Adjustment